THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26160 of 1999

ORAL ORDER:

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This writ petition is filed seeking a Mandamus declaring the Notification issued by the Respondent Corporation vide Procgs.No.SD1/255(28)/99-PO.II dated 16.12.1999 as arbitrary, illegal, violative of Articles 14, 16 and 21 of the Constitution of India and to grant all consequential benefits by holding that the petitioner is entitled for promotion to the post of Security Sub-Inspector on par with his junior.

It appears, petitioner was initially appointed as Security Guard on 11.6.1975 and subsequently promoted as Head Guard in the year 1984 and further promoted as Security Assistant Sub-Inspector on 24.11.1994 and his probation was also declared on 29.11.1995. Further, he passed the lower security management examination conducted by the Respondent Corporation on 27.6.1997. Thus, he became fully qualified and eligible for being promoted to the post of Security Sub-Inspector. In fact his name finds place in the seniority list of Security Assistant Sub-Inspectors. However, he was not considered for promotion to the post of Security Sub-Inspector by the Departmental Selection Committee, whereas his junior i.e. fourth respondent was considered for promotion though he suffered severe punishments earlier. It is the contention of the petitioner that he had many awards to his credit and had unblemished record of service and the Depot Manager, under whose control he was working, has also recommended his name, but in spite of the same, he was denied of promotion.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioner. It is asserted in the counter that the Departmental Selection Committee, which met on 16.11.1999, had interviewed the candidates who had attended the interview and selected six candidates. The selections were based on performance of the candidates in the interview and on the basis of the records. The results of the selections were communicated vide notification No.SD1/255(28)/99-PO.II dated

16.12.1999 wherein six candidates were empanelled. The details of the performance of the petitioner and the fourth respondent whose reference has been quoted are furnished hereunder:

S.No.	Parameter	Marks earmarked	Marks secured by petitioner	Marks secured by 4th respondent
1.	Merit Rating Reports	50	25	27
2.	Length of service	25	15	15
3.	Addl. Qualification	5	1	--
4.	Rewards/Appreciations	5	--	4
5.	Achievements recorded in MRRs	5	--	--
6.	Interview	10	6	8
	Total	100	47	54
7.	Minus marks (punishments of last five years)	-5	--	-4
	Net marks secured		47	50

The criteria for selection of the candidates for promotion were not based on the recommendations of the Unit Officers, but were only based on the performance of the candidates in certain parameters i.e. MRRs/length of service/additional qualifications/appreciations/achievements recorded in the Merit Rating Reports and interview etc. The total marks earmarked on the above counts was 100 and the candidate who scores 50 and above only will be selected as stipulated in the Circular No.PD-15/99 dated 13.2.1989. Though the fourth respondent is junior to the petitioner, he was selected as he scored 50 marks as required for selection, whereas, petitioner scored only 47 marks, hence, he was not selected. The contention of the petitioner that the Selection Committee had put only three questions during the course of interview on 16.12.1999 is not correct. Whether the petitioner is not having any adverse remarks or the fourth respondent was inflicted with punishments earlier are all irrelevant. The selection committee has awarded four minus marks against the punishment suffered by the fourth respondent and even then, he secured 50 marks, therefore, he was selected and kept in the panel,

whereas the petitioner has secured only 47 marks. Since the petitioner did not come upto the mark and secured only 47 marks, he is not entitled to be considered for promotion to the post of Security Sub-Inspector.

The learned counsel for petitioner strenuously contended that the selection committee had not properly appreciated the rewards/appreciations. No marks have been awarded to the petitioner on this count, whereas it has awarded four marks to the fourth respondent. Had the selection committee considered the case of the petitioner properly and awarded marks for rewards/appreciations, petitioner would have definitely come under the zone of consideration.

Whereas, the learned counsel for respondents supported the action of the selection committee and submitted that all the parameters required for the purpose of selection have been followed and even after deducting four marks for the punishment suffered by the fourth respondent, he has secured 50 marks, therefore, the question of petitioner being selected if some more marks are awarded on the count of rewards/appreciations does not arise. The selections have been conducted in a fair manner and no injustice has been done to the petitioner.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned order and other material made available on record.

At the outset, I am of the opinion that all the parameters required for the purpose of selection to the posts of Security Sub-Inspectors was followed scrupulously and against each count, marks have been earmarked and allotted by the selection committee. In all the petitioner got only 47 marks, whereas the fourth respondent got 50 marks in spite of deducting four marks for the punishments suffered by him earlier. Therefore, it cannot be said that the petitioner is also entitled for awarding some more marks on the count of rewards/appreciations. These are all hypothetical questions, on the basis of which, the present writ petition is filed. In the counter filed by the respondents, it is not denied that the petitioner was rewarded with cash prizes. The recommendations of the Unit Officers was not taken into

consideration for the purpose of selections to the post of Security Sub-Inspectors, therefore, it cannot be said that any injustice has been done to the petitioner. It is further seen from the notification dated 16.12.1999 that not only the petitioner, but many of his seniors were also not considered for promotion since they have not come upto the mark.

For all the above reasons, the writ petition is devoid of merits and liable to be dismissed and accordingly dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 30.3.2007

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26160 of 1999

30.3.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.26160 of 1999

Date: 30th March, 2007

Between:

K.Lingaiah

.. Petitioner

And

A.P. State Road Transport Corporation,
represented by its Managing Director,
Mushirabad, Hyderabad & others.

.. Respondents